

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH G. WILKINSON and KELLY  
G. WILKINSON,

Plaintiffs,

v.

PHH MORTGAGE CORPORATION and  
WESTERN PROGRESSIVE LLC.,

Defendants.

No. 2:24-cv-01416 TLN AC PS

ORDER

Plaintiffs are proceeding in this action pro se, and the action was accordingly referred to the undersigned for pretrial proceedings by E.D. Cal. R. (“Local Rule”) 302(c)(21). Plaintiffs previously requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis (“IFP”) and submitted the required affidavits, and the requests were granted. ECF No. 9. Plaintiffs’ initial complaint was rejected with leave to amend pursuant to the IFP screening process discussed below. Id. Now before the court is plaintiffs’ amended complaint. ECF No. 10.

I. SCREENING

The federal IFP statute requires federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). The court finds that, for screening purposes only, plaintiffs’ claims are sufficiently cognizable.

II. CONCLUSION

For the reasons stated above, IT IS HEREBY ORDERED that:

1. Service of the First Amended Complaint (ECF No. 10) is appropriate for the following defendants:

- PHH Mortgage Corporation
- Western Progressive LLC

2. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is directed to serve within ninety days of the date of this order, all process pursuant to Federal Rule of Civil Procedure 4, without prepayment of costs.

3. The Clerk of the Court shall send plaintiffs the above: one USM-285, one summons, a copy of the complaint, and an appropriate form for consent to trial by a magistrate judge.

4. Plaintiffs are directed to supply the U.S. Marshal, within 15 days from the date this order is filed, all information needed by the Marshal to effect service of process, and shall promptly file a statement with the court that said documents have been submitted to the United States Marshal. The court anticipates that, to effect service, the U.S. Marshal will require, for each defendant in ¶ 2, above, at least:

- a. One completed summons;
- b. One completed USM-285 form;
- c. One copy of the endorsed filed complaint, with an extra copy for the U.S. Marshal;
- d. One copy of the instant order; and
- e. An appropriate form for consent to trial by a magistrate judge.

5. In the event the U.S. Marshal is unable, for any reason whatsoever, to effect service on any defendant within 90 days from the date of this order, the Marshal is directed to report that fact, and the reasons for it, to the undersigned.

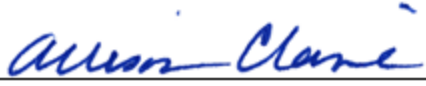
6. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal, 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

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1           7. Failure to comply with this order may result in a recommendation that this action be  
2 dismissed.

3           IT IS SO ORDERED.

4 DATED: June 21, 2024

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6 ALLISON CLAIRE  
7 UNITED STATES MAGISTRATE JUDGE  
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No. 2:24-cv-01416 TLN AC (PS)

NOTICE OF SUBMISSION

Plaintiffs have submitted the following documents to the U.S. Marshal, in compliance  
with the court's order filed \_\_\_\_\_:

\_\_\_\_\_ completed summons form

\_\_\_\_\_ completed USM-285 form

\_\_\_\_\_ copy of the complaint

\_\_\_\_\_ completed form to consent or decline to consent to magistrate judge jurisdiction

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plaintiffs' Signature